

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7730

BILL NUMBER: SB 498

NOTE PREPARED: May 5, 2005

BILL AMENDED: Apr 29, 2005

SUBJECT: Ordinance Violations.

FIRST AUTHOR: Sen. Server

FIRST SPONSOR: Rep. Hinkle

BILL STATUS: Enrolled

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: This bill has the following provisions:

- A. It allows a defendant against whom a judgment is entered in an action to enforce an ordinance to perform community restitution or service instead of paying a monetary judgment.
- B. It allows a county or municipality to establish fines for ordinance violations of not more than: (1) \$2,500 for a first violation of an ordinance; and (2) \$7,500 for a second or subsequent violation of an ordinance that does not regulate traffic or parking.

Effective Date: July 1, 2005.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: Ordinances are civil laws that are created by local units of government. Generally, ordinances control the levels of noise during certain hours of the day, speed limits on locally maintained roads, conditions of private property, and other local conditions. Persons violating ordinances can be assessed a judgment by a court but can not be imprisoned.

Provision A could allow some tasks to be performed by individuals who would work for a local government in lieu of paying a judgment. Based on the activities of other community corrections and probation programs, work might include lawn maintenance, snow removal, furniture or office moving, general cleanup and maintenance, painting, lot and alley cleanup, unloading supplies, and trash removal. Depending on whether a work program

already exists, a county or city program may need to add more supervisors if more persons are assigned to a community work program.

Explanation of Local Revenues: *Provision B* -- Current statute allows a maximum fine of \$2,500 for most ordinance violations. The bill allows a county or municipality to establish a maximum fine of \$7,500 for second and subsequent violations that do not involve traffic or parking ordinances. Depending on a defendant's ability to pay, this provision could increase the revenue that local governments might collect. The statute is silent on where the fees from municipal ordinance violations would be deposited. However, by accounting practice and directive of the State Board of Accounts, this revenue is deposited in the local general fund. Consequently, any additional revenue from these judgments would be deposited in the general fund of the county or city government.

State Agencies Affected:

Local Agencies Affected: Municipal and county governments.

Information Sources: Charles Pride, State Board of Accounts.

Fiscal Analyst: Mark Goodpaster, 317-232-9852.